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2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON
5

6 UNITED STATES OF AMERICA,
7

8 Plaintiff,

9 v.

10 JORGE ARMANDO HERNANDEZ-
11 VERA,

12 Defendant.

13 No. 2:17-CR-00101-WFN-9

14 ORDER ON MOTION FOR
15 RECONSIDERATION

16 **MOTIONS DENIED**
17 **(ECF No. 550, 551)**

18 At Defendant's October 13, 2017, motion hearing, Defendant was present, in
19 custody, with counsel Tim D. Trageser, and was assisted by federally-certified
20 interpreter Bjelava Ana Rump. Assistant U.S. Attorney Scott T. Jones appeared for
21 the United States. Both sides presented argument.

22 Defendant is in custody pursuant to an Order of Detention entered by Judge
23 Dimke, ECF No. 490, after a detention hearing held August 7, 2017.

24 The Court has considered Defendant's Motions for Reconsideration, ECF
25 No. 550, 551, Judge Dimke's original detention order, and the argument of
26 counsel.

27 Defendant argues that new and material information relating to a proposed
28 release address and Defendant's ties to the community has been discovered,
warranting his release.

29 Under 18 U.S.C. § 3142(f)(1)(B), a detention hearing may reopened if the
30 judicial officer finds that information exists that was "not known to the movant at

1 the time of the hearing and that has a material bearing on the issue [of] whether
2 there are conditions of release that will reasonably assure the appearance of such
3 person as required and the safety of any other person and the community.”

The information this Court is urged to regard as new and material was available in the pretrial services report prepared for Judge Dimke prior to the original detention hearing of August 7, 2017. See ECF No. 487. That pretrial services report included both the proposed release address, and a detailed description of Defendant's employment and residential history in this district.

9 Based on the information before it, this Court cannot find that the
10 information regarding Defendant's proposed release address, presented at this
11 second hearing, is "not known to movant at the time of the previous hearing" as
12 required by 18 U.S.C. § 3142(f)(1)(B). Accordingly, Defendant's motions for
13 release, **ECF No. 550, 551**, are **DENIED**.

14 Defendant is to remain in the custody of the U.S. Marshal pursuant to the
15 original detention order at ECF No. 490.

16 | IT IS SO ORDERED.

17 | DATED October 17, 2017.



2017.



JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE